



General Assembly

**Substitute Bill No. 1157**

January Session, 2009

\* \_\_\_\_SB01157FIN\_\_051209\_\_ \*

**AN ACT CONCERNING FUNDING FOR LEGAL SERVICES AND  
JUDICIAL BRANCH TECHNOLOGY.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 52-258 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2009*):

3 The jury fee in civil actions shall be [three hundred fifty] four  
4 hundred dollars to be paid at the time the case is claimed for the jury  
5 by the party at whose request the case is placed upon the jury docket.  
6 The jury fee shall be taxed in favor of the party paying the jury fee in  
7 the bill of costs in the action, if final judgment thereon is rendered in  
8 [his] such party's favor.

9 Sec. 2. Section 52-259 of the general statutes is repealed and the  
10 following is substituted in lieu thereof (*Effective July 1, 2009*):

11 (a) There shall be paid to the clerks for entering each appeal or writ  
12 of error to the Supreme Court, or entering each appeal to the Appellate  
13 Court, as the case may be, two hundred fifty dollars, and for each civil  
14 cause in the Superior Court, two hundred [twenty-five] sixty-five  
15 dollars, except (1) one hundred [twenty] forty dollars for entering each  
16 case in the Superior Court in which the sole claim for relief is damages  
17 and the amount, legal interest or property in demand is less than two  
18 thousand five hundred dollars and for summary process, landlord and

19 tenant and paternity actions, and (2) there shall be no entry fee for  
20 making an application to the Superior Court for relief under section  
21 46b-15 or for making an application to modify or extend an order  
22 issued pursuant to section 46b-15. If the amount, legal interest or  
23 property in demand by the plaintiff is alleged to be less than two  
24 thousand five hundred dollars, a new entry fee of seventy-five dollars  
25 shall be charged if the plaintiff amends his or her complaint to state  
26 that such demand is not less than two thousand five hundred dollars.

27 (b) The fee for the entry of a small claims case shall be [thirty-five]  
28 sixty dollars, except that whenever a plaintiff files for the entry of more  
29 than twelve small claims cases in a calendar year, the fee for the entry  
30 of each subsequent small claims case within the calendar year shall be  
31 one hundred dollars. If a motion is filed to transfer a small claims case  
32 to the regular docket, the moving party shall pay a fee of seventy-five  
33 dollars.

34 (c) There shall be paid to the clerk of the Superior Court by any  
35 party who requests that a matter be designated as a complex litigation  
36 case the sum of two hundred [fifty] ninety dollars, to be paid at the  
37 time the request is filed.

38 (d) There shall be paid to the clerk of the Superior Court by any  
39 party who requests a finding of fact by a judge of such court to be used  
40 on appeal the sum of twenty-five dollars, to be paid at the time the  
41 request is filed.

42 (e) There shall be paid to the clerk of the Superior Court a fee of  
43 seventy-five dollars for a petition for certification to the Supreme  
44 Court and Appellate Court.

45 (f) [Such clerks shall also receive] There shall be paid to the clerk of  
46 the Superior Court for receiving and filing an assessment of damages  
47 by appraisers of land taken for public use or the appointment of a  
48 commissioner of the Superior Court, two dollars; for recording the  
49 commission and oath of a notary public or certifying under seal to the  
50 official character of any magistrate, ten dollars; for certifying under

51 seal, two dollars; for exemplifying, twenty dollars; for making all  
52 necessary records and certificates of naturalization, the fees allowed  
53 under the provisions of the United States statutes for such services;  
54 and for making copies, one dollar a page.

55 (g) There shall be paid to the clerk of the Superior Court for a copy  
56 of a judgment file a fee of twenty-five dollars, inclusive of the fees for  
57 certification and copying, for a certified copy and a fee of fifteen  
58 dollars, inclusive of the fee for copying, for a copy which is not  
59 certified; and for a copy of a certificate of judgment in a foreclosure  
60 action, as provided by the rules of practice and procedure, twenty-five  
61 dollars, inclusive of the fees for certification and copying.

62 (h) There shall be paid to the clerk of the [court] Superior Court a fee  
63 of one hundred fifty dollars at the time any application for a  
64 prejudgment remedy is filed.

65 (i) A fee of twenty dollars for any check issued to the court in  
66 payment of any fee which is returned as uncollectible by the bank on  
67 which it is drawn may be imposed.

68 (j) The tax imposed under chapter 219 shall not be imposed upon  
69 any fee charged under the provisions of this section.

70 Sec. 3. Section 52-259c of the general statutes is repealed and the  
71 following is substituted in lieu thereof (*Effective July 1, 2009*):

72 (a) There shall be paid to the clerk of the Superior Court upon the  
73 filing of any motion to open, set aside, modify or extend any civil  
74 judgment rendered in Superior Court a fee of [thirty-five] sixty dollars  
75 for any housing matter, a fee of twenty-five dollars for any small  
76 claims matter and a fee of [seventy] eighty-five dollars for any other  
77 matter, except no fee shall be paid upon the filing of any motion to  
78 open, set aside, modify or extend judgments in juvenile matters or  
79 orders issued pursuant to section 46b-15 or upon the filing of any  
80 motion pursuant to subsection (b) of section 46b-63. Such fee may be  
81 waived by the court.

82 (b) Upon the filing of a motion to open or reargue a judgment in any  
83 civil appeal rendered by the Supreme Court or Appellate Court or to  
84 reconsider any other civil matter decided in either court, the party  
85 filing the motion shall pay a fee of [seventy] eighty-five dollars.

86 Sec. 4. Subdivisions (1) and (2) of subsection (a) of section 52-356a of  
87 the general statutes are repealed and the following is substituted in  
88 lieu thereof (*Effective July 1, 2009*):

89 (1) On application of a judgment creditor or [his] the judgment  
90 creditor's attorney, stating that a judgment remains unsatisfied and the  
91 amount due thereon, and subject to the expiration of any stay of  
92 enforcement and expiration of any right of appeal, the clerk of the  
93 court in which the money judgment was rendered shall issue an  
94 execution pursuant to this section against the nonexempt personal  
95 property of the judgment debtor other than debts due from a banking  
96 institution or earnings. The application shall be accompanied by a fee  
97 of [thirty-five] sixty dollars payable to the clerk of the court for the  
98 administrative costs of complying with the provisions of this section  
99 which fee may be recoverable by the judgment creditor as a taxable  
100 cost of the action. In the case of a consumer judgment, the application  
101 shall indicate whether, pursuant to an installment payment order  
102 under subsection (b) of section 52-356d, the court has entered a stay of  
103 execution and, if such a stay was entered, shall contain a statement of  
104 the judgment creditor or [his] the judgment creditor's attorney as to the  
105 debtor's default on payments. In the case of a judgment arising out of  
106 services provided at a hospital, no application shall be made until the  
107 court has (A) issued an order for installment payments in accordance  
108 with section 52-356d, (B) made a finding that the debtor has defaulted  
109 on payments under the order, and (C) lifted the mandatory stay issued  
110 under section 52-356d. The court shall make a determination  
111 concerning noncompliance or default, and decide whether to modify  
112 the installment payment plan, continue the installment payment plan,  
113 or lift the stay. The execution shall be directed to any levying officer.

114 (2) The property execution shall require a proper levying officer to

115 enforce the money judgment and shall state the names and last-known  
116 addresses of the judgment creditor and judgment debtor, the court in  
117 which and the date on which the money judgment was rendered, the  
118 original amount of the money judgment and the amount due thereon,  
119 and any information which the judgment creditor considers necessary  
120 or appropriate to identify the judgment debtor. The property execution  
121 shall notify any person served therewith that the judgment debtor's  
122 nonexempt personal property is subject to levy, seizure and sale by the  
123 levying officer pursuant to the execution and, if the judgment debtor is  
124 a natural person, shall be accompanied by a notice of judgment debtor  
125 rights as prescribed by section 52-361b and a notice to any third person  
126 of the manner, as prescribed by subdivision (4) of this subsection, for  
127 complying with the execution.

128 Sec. 5. Subsection (a) of section 52-361a of the general statutes is  
129 repealed and the following is substituted in lieu thereof (*Effective July*  
130 *1, 2009*):

131 (a) If a judgment debtor fails to comply with an installment  
132 payment order, the judgment creditor may apply to the court for a  
133 wage execution. The application shall contain the judgment creditor's  
134 or [his] the judgment creditor's attorney's statement setting forth the  
135 particulars of the installment payment order and of the judgment  
136 debtor's failure to comply. The application shall be accompanied by a  
137 fee of [thirty-five] sixty dollars payable to the clerk of the court for the  
138 administrative costs of complying with the provisions of this section  
139 which fee may be recoverable by the judgment creditor as a taxable  
140 cost of the action.

141 Sec. 6. Subsection (b) of section 52-367a of the general statutes is  
142 repealed and the following is substituted in lieu thereof (*Effective July*  
143 *1, 2009*):

144 (b) Execution may be granted pursuant to this section against any  
145 debts due from any financial institution to a judgment debtor which is  
146 not a natural person. If execution is desired against any such debt, the

147 plaintiff requesting the execution shall make application to the clerk of  
148 the court. The application shall be accompanied by a fee of [thirty-five]  
149 sixty dollars payable to the clerk of the court for the administrative  
150 costs of complying with the provisions of this section which fee may be  
151 recoverable by the judgment creditor as a taxable cost of the action.  
152 The clerk shall issue such execution containing a direction that the  
153 officer serving such execution shall make demand (1) upon the main  
154 office of any financial institution having its main office within the  
155 county of the serving officer, or (2) if such main office is not within the  
156 serving officer's county and such financial institution has one or more  
157 branch offices within such county, upon an employee of such a branch  
158 office, such employee and branch office having been designated by the  
159 financial institution in accordance with regulations adopted by the  
160 Banking Commissioner, in accordance with chapter 54, for the  
161 payment of any debt due to the judgment debtor, and, after having  
162 made such demand, shall serve a true and attested copy thereof, with  
163 the serving officer's actions thereon endorsed, with the financial  
164 institution officer upon whom such demand is made. The serving  
165 officer shall not serve more than one financial institution execution per  
166 judgment debtor at a time, including copies thereof. After service of an  
167 execution on one financial institution, the serving officer shall not  
168 serve the same execution or a copy thereof upon another financial  
169 institution until receiving confirmation from the preceding financial  
170 institution that the judgment debtor had insufficient funds at the  
171 preceding financial institution available for collection to satisfy the  
172 execution. If the serving officer does not receive within twenty-five  
173 days of the service of the demand a response from the financial  
174 institution that was served indicating whether or not the taxpayer has  
175 funds at the financial institution available for collection, the serving  
176 officer may assume that sufficient funds are not available for collection  
177 and may proceed to serve another financial institution in accordance  
178 with this subsection.

179 Sec. 7. Subsection (b) of section 52-367b of the general statutes is  
180 repealed and the following is substituted in lieu thereof (*Effective July*

181 1, 2009):

182 (b) If execution is desired against any such debt, the plaintiff  
183 requesting the execution shall make application to the clerk of the  
184 court. The application shall be accompanied by a fee of [thirty-five]  
185 sixty dollars payable to the clerk of the court for the administrative  
186 costs of complying with the provisions of this section which fee may be  
187 recoverable by the judgment creditor as a taxable cost of the action. In  
188 a IV-D case, the request for execution shall be accompanied by an  
189 affidavit signed by the serving officer attesting to an overdue support  
190 amount of five hundred dollars or more which accrued after the entry  
191 of an initial family support judgment. If the papers are in order, the  
192 clerk shall issue such execution containing a direction that the officer  
193 serving such execution shall, within seven days from the receipt by the  
194 serving officer of such execution, make demand (1) upon the main  
195 office of any financial institution having its main office within the  
196 county of the serving officer, or (2) if such main office is not within the  
197 serving officer's county and such financial institution has one or more  
198 branch offices within such county, upon an employee of such a branch  
199 office, such employee and branch office having been designated by the  
200 financial institution in accordance with regulations adopted by the  
201 Banking Commissioner, in accordance with chapter 54, for payment of  
202 any such nonexempt debt due to the judgment debtor and, after  
203 having made such demand, shall serve a true and attested copy of the  
204 execution, together with the affidavit and exemption claim form  
205 prescribed by subsection (k) of this section, with the serving officer's  
206 actions endorsed thereon, with the financial institution officer upon  
207 whom such demand is made. The serving officer shall not serve more  
208 than one financial institution execution per judgment debtor at a time,  
209 including copies thereof. After service of an execution on one financial  
210 institution, the serving officer shall not serve the same execution or a  
211 copy thereof upon another financial institution until receiving  
212 confirmation from the preceding financial institution that the judgment  
213 debtor had insufficient funds at the preceding financial institution  
214 available for collection to satisfy the execution, provided any such

215 additional service is made not later than forty-five days from the  
216 receipt by the serving officer of such execution.

217 Sec. 8. Section 51-81b of the general statutes is repealed and the  
218 following is substituted in lieu thereof (*Effective October 1, 2009*):

219 (a) Any person who has been admitted as an attorney by the judges  
220 of the Superior Court shall annually on or before January fifteenth file  
221 an annual return prescribed or furnished by the Commissioner of  
222 Revenue Services. If any such person was engaged in the practice of  
223 law in the year preceding the year in which an occupational tax is due  
224 [hereunder] under this section, such person, unless exempted under  
225 this section, shall annually on or before January fifteenth pay to the  
226 Commissioner of Revenue Services a tax in the amount of [four  
227 hundred fifty] six hundred dollars. Any person who has been admitted  
228 as an attorney pro hac vice by a judge of the Superior, Appellate or  
229 Supreme Court in accordance with the rules of said court shall file  
230 such return and pay such tax as provided in this subsection with  
231 respect to any year in which such person was admitted pro hac vice  
232 and engaged in the practice of law in this state. Not later than July 1,  
233 2010, and annually thereafter, the State Treasurer shall transfer to the  
234 organization administering the program for the use of interest earned  
235 on lawyers' clients' funds account pursuant to section 51-81c, for the  
236 purposes of funding the delivery of legal services to the poor, an  
237 aggregate amount that represents (1) the entire amount of tax paid by  
238 an employee of the state, any political subdivision of the state or any  
239 probate court, and (2) one hundred fifty dollars of the tax paid by any  
240 other person pursuant to this section. For the purposes of this section,  
241 an employee of the state includes, but is not limited to, a judge of the  
242 Superior, Appellate or Supreme Court, a judge of probate, the  
243 Attorney General or any attorney employed in the office of the  
244 Attorney General, the Chief State's Attorney or any attorney employed  
245 in the office of the Chief State's Attorney, the Chief Public Defender or  
246 any attorney employed by the Public Defender Services Division, and  
247 any other attorney engaged in the practice of law while acting as an  
248 employee of the state.



249 (b) Upon failure of any such person to pay the sum due [hereunder]  
250 under this section within thirty days of the due date, the provisions of  
251 section 12-35 shall apply with respect to the enforcement of this section  
252 and the collection of such sum. The warrant [therein] provided for in  
253 section 12-35 shall be signed by the commissioner or [his] the  
254 commissioner's authorized agent. The amount of any such tax, penalty  
255 and interest shall be a lien, from the thirty-first day of December next  
256 preceding the due date of such tax until discharged by payment,  
257 against all real estate of the taxpayer within the state, and a certificate  
258 of such lien signed by the commissioner may be filed for record in the  
259 office of the clerk of any town in which such real estate is situated,  
260 provided no such lien shall be effective as against any bona fide  
261 purchaser or qualified encumbrancer of any interest in any such  
262 property. When any tax with respect to which a lien has been recorded  
263 under the provisions of this section has been satisfied, the  
264 commissioner, upon request of any interested party, shall issue a  
265 certificate discharging such lien, which certificate shall be recorded in  
266 the same office in which the lien was recorded. Any action for the  
267 foreclosure of such lien shall be brought by the Attorney General in the  
268 name of the state in the superior court for the judicial district in which  
269 the property subject to such lien is situated, or, if such property is  
270 located in two or more judicial districts, in the superior court for any  
271 one such judicial district, and the court may limit the time for  
272 redemption or order the sale of such property or make such other or  
273 further decree as it judges equitable.

274 (c) The Commissioner of Revenue Services shall notify the Chief  
275 Court Administrator of the failure of any person to comply with the  
276 provisions of this section and the Chief Court Administrator shall  
277 notify the judges of the Superior Court of such failure.

278 (d) If any person fails to pay the amount of tax reported to be due  
279 on such person's return within the time specified under the provisions  
280 of this section, there shall be imposed a penalty of fifty dollars, which  
281 penalty shall be payable to, and recoverable by, the commissioner in  
282 the same manner as the tax imposed under this section. Subject to the

283 provisions of section 12-3a, the commissioner may waive all or part of  
284 the penalties provided under this section when it is proven to [his] the  
285 commissioner's satisfaction that the failure to pay any tax was due to  
286 reasonable cause and was not intentional or due to neglect.

287 (e) If any tax is not paid when due as provided in this section, there  
288 shall be added to the amount of the tax interest at the rate of one per  
289 cent per month or fraction thereof from the date the tax became due  
290 until it is paid.

291 (f) If the commissioner is satisfied beyond a reasonable doubt that  
292 the failure to file a return or to pay the tax was due to reasonable cause  
293 and was not intentional or due to neglect, [he] the commissioner may  
294 abate or remit the whole or any part of any penalty under this section.

295 (g) This section shall not apply (1) to any attorney whose name has  
296 been removed from the roll of attorneys maintained by the clerk of the  
297 superior court for the judicial district of Hartford, or (2) to any attorney  
298 who has retired from the practice of law, provided the attorney shall  
299 file written notice of retirement with the clerk of the superior court for  
300 the judicial district of Hartford, or to any attorney who does not  
301 engage in the practice of law as an occupation and receives less than  
302 [four hundred fifty] six hundred dollars in legal fees or other  
303 compensation for services involving the practice of law during any  
304 calendar year, or (3) with respect to the tax due in any calendar year, to  
305 any attorney serving on active duty with the armed forces of the  
306 United States for more than six months in such year.

307 [(h) No person shall be liable for payment of the occupational tax  
308 under this section solely by virtue of such person having engaged in  
309 the practice of law while acting as an employee of the state, any  
310 political subdivision of the state or any probate court.]

311 [(i)] (h) The provisions of sections 12-548 to 12-554, inclusive, and  
312 section 12-555a shall apply to the provisions of this section in the same  
313 manner and with the same force and effect as if the language of said  
314 sections 12-548 to 12-554, inclusive, and section 12-555a had been

315 incorporated in full into this section and had expressly referred to the  
 316 tax under this section, except to the extent that any such provision is  
 317 inconsistent with a provision of this section.

318       Sec. 9. (NEW) (*Effective July 1, 2009*) The Chief Court Administrator,  
 319 or a designee, on or before the thirtieth day of January, April, July and  
 320 October in each year, shall (1) certify the amount of revenue obtained  
 321 as a result of any fee increase that takes effect July 1, 2009, set forth in  
 322 section 52-258, 52-259, 52-259c, 52-356a, 52-361a, 52-367a or 52-367b of  
 323 the general statutes, each as amended by this act, and (2) transfer one-  
 324 half of such amount to the organization administering the program for  
 325 the use of interest earned on lawyers' clients' funds account pursuant  
 326 to section 51-81c of the general statutes, for the purposes of funding  
 327 the delivery of legal services to the poor, and shall retain the other half  
 328 of such amount for the purpose of funding technology projects within  
 329 the Judicial Branch.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2009</i>	52-258
Sec. 2	<i>July 1, 2009</i>	52-259
Sec. 3	<i>July 1, 2009</i>	52-259c
Sec. 4	<i>July 1, 2009</i>	52-356a(a)(1) and (2)
Sec. 5	<i>July 1, 2009</i>	52-361a(a)
Sec. 6	<i>July 1, 2009</i>	52-367a(b)
Sec. 7	<i>July 1, 2009</i>	52-367b(b)
Sec. 8	<i>October 1, 2009</i>	51-81b
Sec. 9	<i>July 1, 2009</i>	New section

**JUD**       *Joint Favorable Subst.*

**FIN**       *Joint Favorable*